

The background of the slide is a blue-toned artistic illustration of the Earth. The continents are depicted in a darker blue, while the oceans are a lighter, textured blue. A large whale is swimming in the lower right quadrant, and several smaller fish are visible in the lower left. The overall style is painterly and textured.

Children's human right to a healthy ocean and a safe climate

**ONE
OCEAN
HUB**

Elisa Morgera

Professor of Global Environmental Law
University of Strathclyde, Glasgow, UK

Director of the One Ocean Hub

Elisa.morgera@strath.ac.uk

<https://oneoceanhub.org>

Fair and inclusive decision-making for a healthy ocean whereby people and planet flourish.

The Ocean covers over 70% of our planet. It connects communities, countries and cultures in space and time.

Select Language



<https://oneoceanhub.org>



@OneOceanHub



@OneOceanHub



Biodiversity

Climate Change

Land/
freshwater/
ocean

Toxics

But the ocean was not mentioned in:

- the 2016 Report of the UN High Commissioner on the protection of the rights of the child in the implementation of the 2030 Agenda for Sustainable Development, [UN Doc A/HRC/34/27](#)

the 2018 Report of the Special Rapporteur on Human Rights and the Environment on children's human rights, [UN Doc A/HRC/37/58](#);

the 2020 Report of the UN High Commissioner for Human Rights on 'Realizing the rights of the child through a healthy environment', [UN Doc A/HRC/43/30](#).

We know more about outer space than we know about the ocean → UN Decade for Ocean Science

→ foreseeability?
→ precaution!

How important is the ocean?

- The ocean provides half of the **oxygen** we breathe
- The ocean absorbs 26% of **greenhouse gas emissions** from the atmosphere
- The ocean is rich and diverse **life** that provides multiple actual and potential benefits to those that live on land (eg: food; renewables; bio-medical research)

- the full extent of the ocean's biodiversity and its benefits to humanity are **not fully known or understood**
- we have limited understanding of the **intrinsic, as well as the social and cultural, values** of marine biodiversity

- meanwhile we do know that marine life is **declining dramatically, albeit not yet irreversibly**, due to
 - over-fishing
 - other overexploitation of marine resources
 - climate change
 - pollution
 - increasing health issues affecting marine life, as well as humans (seabirds influenza)



Children's human rights depend on a healthy ocean (1)

Children's rights to **life, development and survival, and health** depend on

- the ocean producing oxygen, and mitigating climate change
- the consumption of non-contaminated seafood (toxics, micro-plastics)
- avoiding exposure to antibiotic-resistant organisms in seafood and marine waters (due to antibiotic use in humans and agriculture)
- climate change impacts on the ocean (sea-level rise, more unpredictable and destructive storms and flooding)

Children's right to **food** depends on fish an important source of omega-3 unsaturated fatty acids

Children's right to **water** depends on the role of the ocean in the global water cycle

Children's right to **culture** and **play** depend on access to a healthy ocean

Children's rights to **education** and to **science** are dependent on progress in filling the major knowledge gaps on the ocean and its benefits to humanity

Children's human rights depend on a healthy ocean (2)

Children's rights of **access to environmental information, participation in environmental decision-making and access to justice** and to **non-discrimination** depend on:

- Sufficient information about the ocean, its healthy and its impacts on children
- Ocean-inclusive environmental impact assessments & strategic environmental assessments
- Marine Spatial Planning
- the recognition of "ocean defenders" as environmental human rights defenders

13

States should cooperate with each other to establish, maintain and enforce effective international legal frameworks in order to prevent, reduce and remedy transboundary and global environmental harm that interferes with the full enjoyment of human rights.

- UN Convention on Biological Diversity
- Paris Agreement and its ocean dialogue
- UN negotiations on marine biodiversity of areas beyond national jurisdiction
- FAO: sustainable fisheries; protection of the human rights of small-scale fishers
- regional fisheries management organizations
- Negotiations of deep-seabed mining regulations at International Seabed Authority
- UN Environment Assembly just launched new treaty negotiations on plastics



Key insights for the General Comment

- A child rights-based approach should mean a precautionary approach
- **Children must be recognised as rights holders** when it comes to their participation in environmental action, climate action and ocean action **at different scales**
- Supporting a **holistic understanding of the environment**, including the ocean
- Cautioning **against non-integrated approaches** to environmental issues (considering the climate-biodiversity-ocean-human rights nexus)
- integrated interpretation of **due diligence obligations** under international environmental law, and the minimum standards of conduct required by the UN Convention on the Rights of the Child
- children's human rights give clear and binding legal content to the principle of **intergenerational equity under international environmental law and the law of the sea**
- Clarifying the content of children's **right to environmental education**, prioritizing awareness and capacity gaps in relation to the ocean and its importance for the climate, freshwater and terrestrial ecosystems + **cultural heritage and right to culture** → **supporting children's participation**

State obligations

- **Assess, consider and prevent impacts** of ocean pollution and marine biodiversity loss on children's rights (including relevance of deep-sea ecosystems and the impacts of climate change)
- **consider children's human rights in ocean-related decision-making**, privileging long-term solutions and benefits instead of short-term gains
- Consider **the dependence of children's human rights from the ocean** also in other environmental and climate decisions
- **prioritise ocean research** that systematically prioritises the needs of children, given our limited knowledge of the ocean ecosystems and their services
- obligations as **donors and trade/investment partners** in relation to children's' rights to a healthy ocean and biodiversity (**ocean/climate finance; unsustainable investment**)
- Develop child-friendly information on, and procedures for participation in relevant **international meetings**, and provide necessary support for their implementation

- **Children-friendly** information & participation
- **Consider children's views** on long-term environmental challenges that will shape the world they'll spend their lives + **best interests of the child** as primary consideration

→ EIAs and precaution in **international ocean fora**

→ **needed adjustments to international processes**

- eg, Aarhus Convention Almaty Guidelines

15. Where members of the public have differentiated capacity, resources, socio-cultural circumstances or economic or political influence, special measures should be taken to ensure a balanced and equitable process. Processes and mechanisms for international access should be designed to promote transparency, minimize inequality, avoid the exercise of undue economic or political influence, and facilitate the participation of those constituencies that are most directly affected and might not have the means for participation without encouragement and support.

17. Capacity-building may be important to facilitate international access for the public concerned, in particular NGOs promoting environmental protection, and especially in developing countries and in countries with economies in transition.

18. Enhancing international access may imply investment of resources. If necessary, resources should, in relevant cases, be made available in the appropriate form and according to modalities to be agreed upon in each international forum concerned, in order to facilitate meaningful and equitable international access.



Don't forget a healthy ocean as part of children's right to a healthy environment

by Michael Sweeney, University of Strathclyde, UK and
Elisa Morgera, One Ocean Hub; 12 July 2021

This **policy brief** is primarily **aimed at human rights lawyers, government representatives and civil society** contributing to discussions on children's rights and the environment, with a view to raising their awareness about the unique role the ocean has in the protection of those rights.



- <https://oneoceanhub.org/contributing-to-global-consultations-on-childrens-right-to-a-healthy-environment/>
- <https://oneoceanhub.org/including-the-ocean-in-international-guidance-on-childrens-right-to-a-healthy-environment/>
- <https://oneoceanhub.org/publications/policy-brief-dont-forget-a-healthy-ocean-as-part-of-childrens-right-to-a-healthy-environment/>
- <https://oneoceanhub.org/publications/sdg-14-and-childrens-human-rights/>
- COP26 video-recording: <https://www.youtube.com/watch?v=TVoF8hmSpEE&t=431s>
- <https://gnhre.org/community/cop26-reflections-on-human-rights-at-the-ocean-climate-nexus/>